
Appeal Decision

Site visit made on 1 March 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2022

Appeal Ref: APP/V1260/W/21/3286120

Dock Cottage, 140 Stanpit, Christchurch BH23 3NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Julie Wilson against the decision of BCP Council.
 - The application Ref 8/20/0695/FUL, dated 7 May 2021, was refused by notice dated 7 October 2021.
 - The development proposed is demolition of existing home and 2 storey replacement dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above is taken from the appeal form and the decision notice, since this more succinctly describes the proposal than that on the application form, which includes additional justification for the scheme.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the Stanpit and Fisherman's Bank Conservation Area (SFBCA);
 - Whether the proposal provides for adequate on-site car parking provision, having regard to highway safety and the living conditions of the occupiers of neighbouring properties; and
 - Whether the proposal provides for adequate on-site cycle parking provision, having regard to ensuring appropriate opportunities to promote sustainable transport modes.

Reasons

Character and appearance

4. The appeal site lies within an established residential area located to the north of Christchurch Harbour. It is occupied by a part two-storey and part single storey detached dwelling with white painted brick walls. The original, late 19th century, part of the building incorporates a tiled pitched roof and there are a number of flat-roofed later additions. The building is set back behind the

established front building line of residential properties along this part of Stanpit, so that its main outdoor amenity area directly faces Christchurch harbour, set behind a low flood defence wall, incorporating direct slipway access onto the water.

5. The site lies within the Stanpit and Fisherman's Bank Conservation Area (SFBCA), the significance and character of which is set out in the Council's adopted *Stanpit and Fisherman's Bank Conservation Area Appraisal and Management Plan* (2008) (the CAAMP). Key identified elements which give the conservation area its character include its close relationship with the harbour edge, its modest 'village' scale and grain, the survival of cottages from the early 19th century and good quality Victorian housing from the late 19th century and exceptional views across the harbour to Hengistbury Head, back towards Christchurch and to the beach hut lined spit.
6. The CAAMP notes that the majority of buildings are residential and generally set on the back of the pavement, and that there is a consistent two-storey scale of built development. Terraced rows of former fishermen's cottages give way to occasional views across the harbour from the southwest end of Stanpit, signalling the close intimate relationship the built form has with the harbour.
7. The CAAMP identifies the importance of views of the conservation area from and towards the harbour's edge. The significance of vistas from the road through to the harbour are noted, including a spectacular vista provided by the gap at the entrance to Fisherman's Bank. The CAAMP also identifies the significance of views from the public footpath at Fisherman's Bank from where a sense of the scale of the harbour can be gained, together with the modest character of historic buildings which define this important and highly sensitive edge. The CAAMP states that views into the conservation area, including important views from Stanpit Marsh and the adjacent recreation ground and distant views from Hengistbury Head, are very sensitive to change, including detrimental impacts to character and appearance as a result of strong roof lines.
8. With the above in mind, the appeal site occupies a significant and visually prominent position within the SFBCA, given its position adjacent to the identified gap which provides access to Fisherman's Bank, where the road is relatively close to the harbour, and where there are striking views from the road towards the harbour and Hengistbury Head which lies behind. The appeal site is also highly visible in views from the harbour and from Stanpit Marsh to the west of the site as well as from the public footpath which runs south-eastwards from the private land adjacent to the appeal site, along the harbour edge.
9. The appeal site is also sensitively located having regard to its position within the setting of locally listed cottages at nos. 142 – 156 Stanpit, which are identified as the most cohesive group of houses within this part of the conservation area, comprising an early 19th century terrace of fisherman's cottages which form the narrow section of Fisherman's Bank to their rear, and are notable for their modest scale and simple form. Moreover, nos. 134, 136 and 138 Stanpit are also identified within the CAAMP as buildings which contribute positively to the conservation area. These neighbouring period properties are representative of the early development of the area, and reflect

the modest traditional scale and architectural features and detailing of the original built development within the conservation area.

10. Within the immediate vicinity of the appeal site, there is some variety of materials, and many properties have had extensions added to them, including nos. 136-138, and such additions include flat-roofed, and/or ad-hoc rear extensions and outbuildings. However, the historic development of unassuming, two-storey domestic scale housing remains clearly evident. This applies to the existing property on the appeal site, which although benefitting from a number of single and two storey flat-roofed additions, has retained its original building form, to which the extensions appear subservient.
11. This is apparent in views of the property from the harbour and Stanpit, and accords with the CAAMP, which confirms that views of the built form within the SFBCA from longer distances are defined by much variation in the quality of townscape, and detailed design of dwellings and extensions, but that, generally, the scale of such extensions in these views is consistently modest and in proportion with, and subservient to, the host building. Moreover, when viewed from the harbour, the single storey height of the extensions to the side of building means that they do not unduly obscure the bulk of the rear elevations of the houses behind. As such, the scale and fine grain of this neighbouring development can still be fully appreciated in important wider views.
12. The existing property is also significant within the townscape of Stanpit. When viewed from the vicinity of the notable viewpoint from Stanpit, it is the original part of the existing dwelling which is highly visible from the road, given the large gap between the buildings at nos. 138 and 142. Although the building is set back from the road frontage, it sits comfortably within the street scene which surrounds this important vista towards the harbour. Its traditional two-storey height, scale, design, materials and roof form are compatible with the neighbouring properties at nos. 134 – 156, amongst which it presents a continuation of the established period residential 'frontage' to this side of the road. It therefore complements the setting of the locally listed buildings to the southeast and does not compete with, or detract from, views towards the harbour and Stanpit Marsh from Stanpit or Fisherman's Bank.
13. Accordingly, whilst the existing property is not identified as an important building within the CAAMP, it nonetheless comprises an integral positive and highly visible supporting element within the historic edge of harbour townscape of this part of the conservation area and does not detract from it.
14. The appeal scheme, in contrast, would introduce a significantly wider flat-roofed built form as presented in views from the harbour. Whilst the majority of the accommodation would be single storey, this would assume a visually dominant and incongruous appearance in harbour views due to a combination of the proposed building width and the elevated position of the ground floor above what would, in effect, comprise an open 'basement' level. Moreover, the visual prominence of the building would be compounded by the boxy flat-roofed first floor element which would appear unduly incongruous within the context of the immediate backdrop of traditional pitched roofs.
15. The new building would assume an undue visual prominence within wider views from the harbour and Stanpit Marsh, due to its combined height, width, flat-roofed design, and strong horizontal design which is emphasised by the

unbroken parallel horizontal rendered sections of wall above and below the ground floor glazing. The predominance of glazing on the proposed southwest elevation would further emphasise the disparity in design between the proposal and the surrounding built development, and would draw further attention to the building in views from the harbour.

16. Even though there would be little change in overall floorspace, and the proposed upper floor of the new dwelling would be narrower than the lower element of the building, the maximum building height would be notably greater than that of the existing building ridge height, and the proposed positioning of the new building as a whole further to the northwest than that of the existing two storey structure on the site, would result in the obscuring of a significantly greater amount of the upper parts of the rear elevations of the neighbouring dwellings to the rear. This would erode views of part of the historical built development of the shoreline, to the detriment of the significance of the SFBCA.
17. The positioning of the new dwelling immediately to the rear of nos. 134 – 138 would also notably diminish the contribution of the appeal site dwelling to the Stanpit street scene, resulting in an incongruous layout of development whereby the outlook from the new dwelling would be predominantly towards the harbour rather than comprising both road and harbour outlooks, in accordance with the prevailing form of single line development on this side of the road.
18. The side elevations of the new building, together with the front raised terrace would present an unduly chunky geometric appearance, which combined with the associated building height and depth, would be strongly at odds with the finer grained surrounding traditionally designed houses. Notwithstanding the set-back position of the building from the southeast site boundary, this would be clearly apparent when viewed from the public realm within the locality around Fisherman's Bank. Moreover, the visual impact would be particularly harmful where the new building is capable of being viewed together with the locally listed two-storey fisherman's cottages at nos. 142 - 156 Stanpit, and the period properties adjacent to the appeal site, within whose setting it would appear noticeably out of keeping due to its scale, height and design, and lack of obvious visual design connection with the more traditional road frontage buildings.
19. The proposed building siting would provide for a wider view of the harbour from Stanpit, and this would be a positive feature of the development, having regard to the significance of harbour glimpses within the conservation area. However, this benefit would be significantly outweighed by the above harmful impacts of the development when seen from key viewpoints within and towards the conservation area.
20. A more contemporary designed replacement building could be acceptable in principle on the appeal site, having regard to the existence of modern flat-roofed building elements within the site vicinity. However, I am not persuaded, on the basis of the evidence before me, that the appeal scheme would cohesively integrate with the more modest traditional residential development which is an integral positive element of the SFBCA.
21. By way of comparison with the appeal scheme, the appellant has drawn my attention to 2 planning permissions in respect of properties elsewhere within

the Council's area. Although the contemporary designed replacement house granted under permission Ref 8/19/1597/FUL fronts onto, and is highly visible from, Christchurch harbour, I do not find the details of that approval to be directly comparable with those of the appeal scheme, including in terms of how the new dwelling compares in scale, height, FFL and footprint to the dwelling to be replaced, its position in relation to neighbouring properties, and its location outside the conservation area and within a road where flat-roofed, contemporary dwellings comprise the character of the townscape.

22. I also find the details of the scheme approved under permission 8/20/1084/FUL to be very different from those of the appeal scheme, since, amongst other differences, it comprises the replacement of an existing commercial addition to a period residential property with extensions, and the site lies within a different conservation area close to the town centre, where the existing and neighbouring properties comprise a townscape which is not akin to that of the current appeal site. As such, I am not persuaded that the current appeal scheme is acceptable, having regard to the details of these permissions, which differ notably from those of the appeal proposal.
23. For the above reasons, the proposal would harm the character and appearance of the SFBCA. It would harm its significance as a heritage asset. As such, the appeal scheme would not accord with Policies HE1 and HE2 of the *Christchurch and East Dorset Local Plan Part 1 – Core Strategy* (2014) (the Core Strategy), Saved Policies H12 and BE4 of the *Borough of Christchurch Local Plan* (2001) (the Local Plan) and the CAAMP. These policies and guidance, amongst other things, seek to ensure that development proposals comprise high quality design, and protect and enhance the significance of designated and non-designated heritage assets and their settings. This includes requiring new development to be compatible with, or improve, its surroundings, including in terms of its scale, bulk, height, and visual impact, be appropriate in character and design to the immediate locality, and maintain important views within and out of the area.
24. For similar reasons, the proposal would also be contrary to Policies of the *National Planning Policy Framework 2021* (the Framework) which seek to achieve well-designed places and conserve and enhance the historic environment, as set out in Chapters 12 and 16 respectively.
25. The Council's second refusal reason also refers to Core Strategy Policy LN2. This Policy primarily relates to development density. Since the proposal is for a replacement dwelling, I do not find it to be directly relevant to this main issue.
26. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. Paragraph 200 of the Framework states that any harm to, or loss of, significance of a designated heritage asset should require clear and convincing justification.
27. In terms of the advice in Paragraph 202 of the Framework, the harm to the conservation area would be 'less than substantial'. Less than substantial harm does not equate to less than substantial planning objection, and the Framework sets out the need to address the 'less than substantial harm' against the public benefits of the scheme.

28. No public benefits have been put forward by the appellant in respect of the development to outweigh the identified harm to the character and appearance of the conservation area. The appellant has stated that demolition and replacement of the existing dwelling is necessary instead of the remodelling of the existing building, having regard to its suitability for habitation given its location within a tidal flood plain within flood zone 3. I am not persuaded on the basis of evidence before me, including the appellant's submitted "*Analysis of building resilience to flooding*" report, that a more appropriate building design within this location could not address the flood risk issues associated with the site. Notwithstanding this, the matter relates to a private benefit for the appellant, rather than a public benefit, as do the advantages arising from improved access and parking and garden privacy for future occupants of the new dwelling.
29. The appeal proposal would comprise a sustainable building design, and it would be located in an accessible location within the designated settlement boundary, where it would be close to community facilities and services and public transport connections. It would also bring modest economic benefits, including construction jobs. However, whilst these matters attract weight as public benefits, they are significantly and demonstrably outweighed by the less than substantial harm to the designated heritage asset of the SFBCA.

Car parking

30. The Council's third refusal reason includes the failure of the scheme to meet the minimum on-site car parking requirements, as set out in the Council's *Parking Standards Supplementary Planning Document* (2021) (the PSSPD). The decision notice and Officer Report state that the Council's objection relates to the width of the proposed visitor parking space, having regard to its position close to the site boundary and the proposed bin storage unit. The Statement of Case by the Local Highway Authority advises that only one of the proposed spaces meets the minimum size requirements of the PSSPD. However, this is based on an incorrect assumption that two spaces are proposed within a garage, rather than as open spaces as proposed. The Officer Report confirms that these 2 parking spaces meet the required size dimensions.
31. There is no disagreement between the main parties that the site lies within parking Zone D, where according to the PSSPD, 2 residents and visitors parking spaces are required for a dwelling of the size proposed. As such, whilst the proposed visitor parking space does not meet the Council's adopted dimensions, the appeal scheme would not result in a shortfall of suitable parking in accordance with the PSSPD. I afford weight to this document due to its role in supporting the relevant Core Strategy and Local Plan Policies. As such, I am therefore not persuaded that the appeal scheme would result in a displacement of parking onto the street.
32. Moreover, I have not been presented with any substantial evidence from the Council to support its concerns in respect of highway safety and harm to neighbouring living conditions arising from inconsiderate on-street parking. I am not aware of existing localised parking problems, parking congestion or impeded access to the highway network within the vicinity of the appeal site. I did not witness any on-street parking issues at the time of my site visit, albeit I acknowledge that this was only a snapshot during the day in Winter, and there

may well be more on-street parking at other times, including the evenings, and during the main tourist season.

33. I am mindful of paragraph 109 of the Framework which advises that *"Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
34. For the above reasons, I conclude that it has not been satisfactorily demonstrated that the proposal would fail to provide for adequate on-site car parking provision, having regard to highway safety and the living conditions of the occupiers of neighbouring properties. As such, I find no conflict with Core Strategy Policy KS12 and the PSSPD, in so much as this policy and guidance seek to ensure that adequate vehicle parking facilities are provided by the developer to serve the needs of the proposed development.
35. For similar reasons, the proposal would achieve the aforesaid advice within the Framework.

Cycle parking

36. Whilst no on-site cycle parking provision is shown on the planning application drawings, the appellant has confirmed the intention to provide cycle parking within the basement area. I am satisfied, given the size of the appeal site, and the proposed layout of built development, that there is sufficient space within the development to satisfactorily provide the 3 cycle parking spaces required by the PSSPD. As such, this matter would be capable of being dealt with by means of condition.
37. For the above reasons, I conclude that it has not been satisfactorily demonstrated that the proposal is not capable of providing adequate on-site cycle parking provision, having regard to ensuring appropriate opportunities to promote sustainable transport modes. As such, the proposal would accord with Core Strategy Policy KS11 and the PSSPD, in so much as this policy and guidance seek to ensure that new development promotes alternative modes of travel other than by means of private car.
38. This accords with the Framework objectives of promoting sustainable transport modes.

Other matters

39. Whilst the Framework requires the Council to approach decisions in a positive and creative way, this is not unqualified and would not address or outweigh the aforementioned harm that I have identified to the character and appearance of the area. The appellant refers to issues relating to the way the Council dealt with the planning application. However, these are not matters for my consideration as part of this appeal.

Conclusion

40. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR